

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MARY ELIZABETH REID,

Plaintiff,

v.

AMERICAN CORADIUS  
INTERNATIONAL, LLC,

Defendant.

13-1261  
NOTICE OF REMOVAL

**FILED**  
**SCRANTON**

MAY 08 2013

Per K  
DEPUTY CLERK

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant American Coradius International, LLC ("ACI"), by its attorney, hereby removes this action from the Court of Common Pleas, Lackawanna County, to the United States District Court for the Middle District of Pennsylvania. In support of this Notice of Removal, ACI states as follows:

1. Plaintiff Mary Elizabeth Reid originally commenced this action by filing a Complaint against ACI in the Court of Common Pleas, Lackawanna County, where it is presently captioned as *Mary Elizabeth Reid v. American Coradius International, LLC*, Case No.:2013-cv-1789. No further proceedings before the State Court have occurred.

2. In the Complaint, plaintiff alleges statutory causes of action against ACI. A true and correct copy of Plaintiff's Complaint is attached hereto as Ex. "A."

3. Plaintiff accuses ACI of violating the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*

4. ACI received Plaintiff's Summons and Complaint on or about April 15, 2013.

5. This Court has jurisdiction over Plaintiff's claim pursuant to 28 U.S.C. §§ 1331 and 1441 in that the claims are founded on a claim or right arising under the laws of the United States.

6. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which ACI received Plaintiff's Complaint. See 28 U.S.C. § 1446.

7. Written notice of this Notice of Removal of this action is being immediately provided to the Court of Common Pleas, Lackawanna County. See Ex. "B."

8. Written notice of this Notice of Removal of this action is being caused to be served on the Plaintiff.

WHEREFORE, Defendant American Coradius International, LLC gives notice that this action is removed from the Court of Common Pleas, Lackawanna County, to the United States District Court for the Middle District of Pennsylvania.

Dated: May 3, 2013

Respectfully submitted



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Aaron R. Easley, Esq. (73683)  
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.  
200 Route 31 North, Suite 203  
Flemington, NJ 08822  
Phone: (908) 751-5940  
Fax: (908) 751-5944  
[aeasley@sessions-law.biz](mailto:aeasley@sessions-law.biz)  
Attorney for Defendant  
American Coradius International, LLC


**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of May 2013, a copy of the foregoing **Notice of Removal to the United States District Court for the Middle District of Pennsylvania** was served by Federal Express upon the Clerk of the Court and via regular mail upon counsel for Plaintiff at the below addresses:

Clerk of the Court  
United States District Court  
Middle District Pennsylvania  
Max Rosenn U.S. Courthouse  
197 South Main Street,  
Wilkes-Barre, PA 18701

Brett Freeman, Esq.  
Sabatini Law Firm, LLC  
216 N. Blakely Street  
Dunmore, PA 18512  
Tel: (570) 341-9000  
Attorney for Plaintiff

By:

  
\_\_\_\_\_  
Aaron R. Easley, Esq.  
Attorney for Defendant,  
American Coradius International, LLC

# **EXHIBIT A**

15015005022013

Lackawanna County Clerk/Judicial Records  
Civil Case Inquiry

Page 1

2013-01789 REID MARY ELIZABETH (vs) AMERICAN CORADIUS INT

|                                       |                |           |
|---------------------------------------|----------------|-----------|
| Reference No.:                        | Filed.....:    | 4/12/2013 |
| Case Type.....: MISCELLANEOUS - OTHER | Time.....:     | 1:53      |
| Judgment..... .00                     | Execution Date | 0/00/0000 |
| Judge Assigned:                       | Jury Trial.... |           |
| Disposed Desc.:                       | Disposed Date. | 0/00/0000 |
| ----- Case Comments -----             | Higher Crt 1.: |           |
|                                       | Higher Crt 2.: |           |

\*\*\*\*\*  
 General Index Attorney Info  
 \*\*\*\*\*

REID MARY ELIZABETH  
 305 HEMLOCK DRIVE  
 CLARKS SUMMIT, PA 18411

PLAINTIFF FREEMAN BRETT  
 216 N BLAKELY ST  
 DUNMORE, PA 18512

AMERICAN CORADIUS  
 INTERNATIONAL LLC  
 2420 SWEET HOME ROAD STE 150  
 AMHERST, NY 14228

DEFENDANT

\*\*\*\*\*  
 \* Date Entries \*  
 \*\*\*\*\*

- - - - - FIRST ENTRY - - - - -  
 4/12/2013 COMPLAINT FILED.  
 007 Image page(s) exist(s) for this entry  
 - - - - - LAST ENTRY - - - - -

\*\*\*\*\*  
 \* Escrow Information \*  
 \* Fees & Debits Beg Bal Pymts/Adj End Bal \*  
 \*\*\*\*\*

|                 |        |        |       |
|-----------------|--------|--------|-------|
| TAX ON CMPLT    | .50    | .50    | .00   |
| PAF             | 5.00   | 5.00   | .00   |
| JCS/ATJ         | 23.50  | 23.50  | .00   |
| COMPLAINT CIVIL | 119.50 | 119.50 | .00   |
|                 | -----  | -----  | ----- |
|                 | 148.50 | 148.50 | .00   |

\*\*\*\*\*  
 \* End of Case Information \*  
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4744857

Bml 200

MARY F. RINALDI  
LACKAWANNA COUNTY

2013 APR 12 P 1:54

Mary Elizabeth Reid  
305 Hemlock Drive  
Clarks Summit, PA 18411

CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION

IN THE LACKAWANNA COUNTY  
COURT OF COMMON PLEAS

Civil Action

Plaintiff

v.

No. 13-CV-1789

American Coradius International LLC  
2420 Sweet Home Road, Suite 150  
Amherst, NY 14228,

Jury Trial Demanded

Defendant

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by plaintiff(s). You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**NORTHEASTERN PENNSYLVANIA LEGAL SERVICES, INC.  
300 SCRANTON ELECTRIC BUILDING  
507 LINDEN STREET  
SCRANTON, PA 18503  
(570) 342-0184**

MARY F. RINALDI  
LACKAWANNA COUNTY  
2013 APR 12 P 1:51  
Mary Elizabeth Reid, Plaintiff  
CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION  
IN THE LACKAWANNA COUNTY  
COURT OF COMMON PLEAS  
Civil Action  
No. 13-CV-1789  
v.  
American Coradius International LLC,  
Defendant  
Jury Trial Demanded

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (hereinafter "the TCPA"), and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"). Defendant placed an excessive number of calls to Plaintiff on a number assigned to a cellular telephone service using equipment regulated by the TCPA.

**II. JURISDICTION AND VENUE**

2. This Court has jurisdiction over the TCPA claim pursuant to 47 U.S.C. § 227(b)(3), which permits an action for a violation of the Act to be brought in an appropriate state court.

3. This Court has jurisdiction over the FDCPA claim pursuant to 15 U.S.C. § 1692k(d), which permits an action under the FDCPA to be brought in any court of competent jurisdiction.

4. Venue in this Court is proper in that Plaintiff resides here, the conduct complained of occurred here, and Defendant transacts business here.

**III. PARTIES**

5. Plaintiff is a natural person residing at 305 Hemlock Drive, Clarks Summit, PA 18411.



6. Defendant, American Coradius International LLC, is a limited liability company with a place of business located at 2420 Sweet Home Road, Suite 150, Amherst, NY 14228. At all relevant times, Defendant placed calls to individuals in this state.

#### IV. STATEMENT OF CLAIM

7. Plaintiff is, and at all relevant times was, a "person" as defined by 47 U.S.C. § 153(39) and a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

8. Defendant is, and at all relevant times was, a "person" as defined by 47 U.S.C. § 153(39) and a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

9. Plaintiff has a cellular telephone number that she has had since approximately August of 2011. Plaintiff has only used this number as a cellular telephone number, and does not believe that it was ever ported from a wireline service.

10. At all relevant times this phone number has been assigned to a cellular telephone service.

#### *Count I- Violation of the TCPA*

11. The foregoing paragraphs are incorporated herein by reference.

12. Defendant called Plaintiff's cell phone number at least 243 times.

13. Defendant placed calls to Plaintiff's cell phone using either an artificial or prerecorded voice.

14. The calls made to Plaintiff's cell phone were made using an automatic telephone dialing system, as that term is defined in 47 U.S.C. § 227(a)(1). The factual allegations in this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

15. These telephone calls were not made for "emergency purposes", as defined in 47 C.F.R. § 64.1200.

16. These telephone calls were not made with the Plaintiff's prior express consent.

17. These telephone calls were placed while Plaintiff was in the United States.

18. Pursuant to 47 U.S.C. § 227(b)(3), Plaintiff is entitled to an award of \$500.00 in statutory damages for each and every call made by Defendant to Plaintiff's cellular telephone number.

19. Plaintiff is also entitled to increased damages, as these calls were made willfully and/or knowingly. The factual allegations in this paragraph are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

20. For each violation that was made willfully and/or knowingly, the Court may, in its discretion, increase the amount of the award to an amount equal to, but not more than, \$1,500.00 per call.

WHEREFORE, Plaintiff demands judgment against Defendant for statutory damages between \$500.00 and \$1,500.00 per call, costs, equitable relief, and such other and further relief as the court deems just and proper.

*Count 2 - Violation of the FDCPA*

21. The foregoing paragraphs are incorporated herein by reference.

22. When Defendant called Plaintiff's cell phone, it was attempting to collect an alleged debt.

23. This debt was incurred for personal, family, or household purposes and is a "debt" as that term is defined by the FDCPA, 15 U.S.C. § 1692a(5).

24. Defendant called Plaintiff at least 243 times on her cellular telephone.

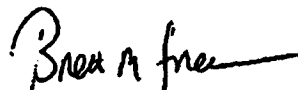
25. In addition, Defendant often called Plaintiff's cellular telephone at least three or more times in a one-day period.

26. Defendant violated the FDCPA, 15 U.S.C. § 1692d(5), by causing Plaintiff's phone to ring repeatedly with the intent to annoy, abuse, or harass the Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney's fees, and such other and further relief as the court deems just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.



---

Brett Freeman  
Bar Number: PA 308834  
Sabatini Law Firm, LLC  
216 N. Blakely St.  
Dunmore, PA 18512  
Attorney for Plaintiff  
Phone (570) 341-9000

**Verification of Complaint and Certification  
by Plaintiff Mary Elizabeth Reid**

Plaintiff, Mary Elizabeth Reid, being duly sworn according to law, deposes as follows:

1. I am the plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass the Defendant, cause unnecessary delay to the Defendant, or create a needless increase in the cost of litigation to the Defendant, named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 12, 2013.

  
Mary Elizabeth Reid, Plaintiff

# EXHIBIT B

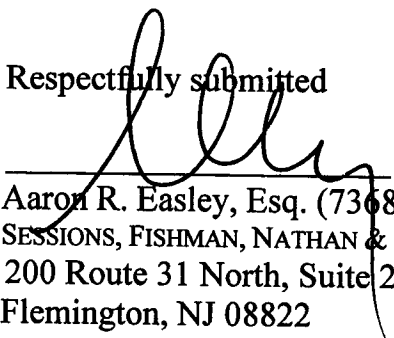
**Brett Freeman, Esq.**  
**Sabatini Law Firm, LLC**  
**216 N. Blakely Street**  
**Dunmore, PA 18512**  
**Tel: (570) 341-9000**  
**Attorney for Plaintiff**

PLEASE TAKE NOTICE that this action has been removed to the United States District Court for the Middle District of Pennsylvania. Attached hereto as Exhibit "1" is a copy of the Notice of Removal filed in the United States District Court effecting such removal.

PLEASE TAKE FURTHER NOTICE that in accordance with 28 U.S.C. § 1446(d), the Court of Common Pleas, Lackawanna County, shall proceed no further in this action unless and until the action is remanded by the United States District Court for the Middle District of Pennsylvania.

Dated: May 3, 2013

Respectfully submitted



Aaron R. Easley, Esq. (73683)  
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.  
200 Route 31 North, Suite 203  
Flemington, NJ 08822  
Phone: (908) 751-5940  
Fax: (908) 751-5944  
[aeasley@sessions-law.biz](mailto:aeasley@sessions-law.biz)  
Attorney for Defendant  
American Coradius International, LLC

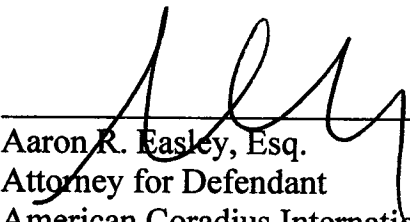
**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of May 2013, a copy of the foregoing **Notice of Filing of Notice of Removal to the United States District Court for the Middle District of Pennsylvania** was served by Federal Express upon the Clerk of the Court and via regular mail upon counsel for plaintiff at the below addresses:

Clerk of the Court  
Court of Common Pleas  
Lackawanna County  
Lackawanna County Courthouse  
200 N. Washington Avenue  
Scranton, PA 18503

Brett Freeman, Esq.  
Sabatini Law Firm, LLC  
216 N. Blakely Street  
Dunmore, PA 18512  
Tel: (570) 341-9000  
Attorney for Plaintiff

By: \_\_\_\_\_

  
Aaron R. Easley, Esq.  
Attorney for Defendant  
American Coradius International, LLC



Court Name: District Court  
Division: 3  
Receipt Number: 333829567  
Cashier ID: gangeli  
Transaction Date: 05/08/2013  
Payer Name: SESSIONS FISHMAN NATHAN

CIVIL FILING FEE  
For: SESSIONS FISHMAN NATHAN  
Case/Party: D-PAM-3-13-CV-001261-001  
Amount: \$400.00

Paper Check Conversion  
Check/Money Order Num: 40450  
Amt Tendered: \$400.00

Total Due: \$400.00  
Total Tendered: \$400.00  
Change Amt: \$0.00

Only when bank clears the check or  
verifies credit of funds is the fee  
or debit officially paid or  
discharged. A \$53.00 fee will be  
charged for returned checks.